

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 5, Rio Gallina

**PROOF OF PUBLICATION
OF NOTICE AND ORDER TO SHOW CAUSE**

COMES NOW plaintiff State of New Mexico, *ex rel.* State Engineer, and hereby files proof of publication of the Notice and Order to Show Cause issued by the United States District Court in connection with the determination of priority dates and irrigation water requirements in Section 5 of the Rio Chama Stream System.

Attached as Exhibit 1 is the Affidavit of Publication signed by Robert Trapp, publisher of the Rio Grande Sun.

DATED: October 31, 2007

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31th day of October, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville
EDWARD G. NEWVILLE

Affidavit of Publication

Publisher's Bill

384 lines one time at 268.⁸⁰

384 lines 3 times at 691.²⁰

Affidavit 5.⁰⁰

Subtotal 965.⁰⁰

Tax 72.³⁸

Total 1,037.³⁸

Payment received at Rio Grande SUN

Date 9/27/07

By [Signature]

State of New Mexico

County of Rio Arriba

I, Robert Trapp, being first duly sworn, declare and say I am the publisher of the Rio Grande SUN, a weekly newspaper published in the English language and having a general circulation in the County of Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937. The publication, a copy of which is hereto attached, was published in said paper once each week for

4 consecutive weeks and on the same day of each week in the regular issue of the paper during the time of publication and the notice was published in the newspaper proper, and not in any supplement. The first publication being on the

4th day of October, 2007

and the last publication on the 25th day of

October, 2007 payment for said advertisement has been duly made, or assessed as court costs. The undersigned has personal knowledge of the matters and things set forth in this affidavit.

[Signature: Robert Trapp]
Publisher

Subscribed and sworn to before me this 25th day of Oct A.D. 2007

[Signature: Maria V. Lopez-Garcia]
Maria V. Lopez-Garcia/Notary Public
My commission expires 13 July 2009

EX. 1

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
STATE OF NEW MEXICO, ex rel. State Engineer Plaintiff, 69cv07941-BB vs. RIO CHAMA STREAM SYSTEM ROMAN ARA-
GON, et al., Section 5, Rio Gallina Defendants.

NOTICE AND ORDER TO SHOW CAUSE

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE SURFACE WATERS OF THE RIO CHAMA STREAM SYSTEM, RIO CHAMA SECTION 5 (RIO GALLINA) AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE SURFACE WATERS OF THE RIO CHAMA STREAM SYSTEM, SECTION 5 (RIO GALLINA), AND WHOSE NAMES APPEAR BELOW:

<u>DEFENDANT</u>	<u>ACEQUIA OR DITCH</u>	<u>PRIORITY</u>
Helen Vigil	Vigiles Ditch	1876
Julian Vigil	Vigiles Ditch	1876
Linda Vigil	Vigiles Ditch	1876
Mary Vigil	Vigiles Ditch	1876
Olivia Vigil	Vigiles Ditch	1876
Robert M. Vigil	Vigiles Ditch	1876
Atilana Jacquez	Rincon Ditch	1876
Cosme S. Chacon	Rincon Ditch	1876
Jose L. Chacon	Rincon Ditch	1876
Levi A. Sanchez	Rincon Ditch	1876
Lucinda Chacon	Rincon Ditch	1876
Mary Sanchez	Rincon Ditch	1876
Rodger F. Corrales	Rincon Ditch	1876
Rosalie F. Wilson	Rincon Ditch	1876
Ubaldo Jacquez	Rincon Ditch	1876
Alice Jacquez	Placitas Ditch	1876
Alvin N. Jacquez	Placitas Ditch	1876
Arcelia Chacon	Placitas Ditch	1876
Cosme L. Chacon	Placitas Ditch	1876
Dorothy Jacquez	Placitas Ditch	1876
Eddie Garcia	Placitas Ditch	1876
Faye Davis	Placitas Ditch	1876
Fulgencio Jacquez	Placitas Ditch	1876
Herman Jacquez	Placitas Ditch	1876
Jose L. Chacon	Placitas Ditch	1876
Jose Z. Chacon	Placitas Ditch	1876
Juanita A. Jacquez	Placitas Ditch	1876
Lucinda Chacon	Placitas Ditch	1876
Mary Ann Jacquez	Placitas Ditch	1876
Max A. Martinez	Placitas Ditch	1876
Neives Martinez	Placitas Ditch	1876
Pauline Jacquez	Placitas Ditch	1876
Reina Maestas	Placitas Ditch	1876
Roger Jacquez	Placitas Ditch	1876
Rosalie F. Wilson	Placitas Ditch	1876
Tommy F. Chacon	Placitas Ditch	1876
Abram Cordova	Sanchez-Maestas Ditch	1876
Faye Davis	Sanchez-Maestas Ditch	1876
Julian Vigil	Sanchez-Maestas Ditch	1876
Mary Vigil	Sanchez-Maestas Ditch	1876
Robert M. Vigil	Sanchez-Maestas Ditch	1876
Abram Cordova	Cordova-Martinez Ditch	1878
Alfrio Maestas	Cordova-Martinez Ditch	1878
Alice Jacquez	Cordova-Martinez Ditch	1878
Alice Madrid	Cordova-Martinez Ditch	1878
Amanda Gonzales	Cordova-Martinez Ditch	1878
Andrew J. Leyba	Cordova-Martinez Ditch	1878
Anthony Leyba	Cordova-Martinez Ditch	1878
Antonette B. Lovato	Cordova-Martinez Ditch	1878
Aurelia Chavez	Cordova-Martinez Ditch	1878
Bonifacio W. Gonzales	Cordova-Martinez Ditch	1878
Cassilda Jacquez Serrano	Cordova-Martinez Ditch	1878
Clement L. Suazo	Cordova-Martinez Ditch	1878
Cristobal Jacquez	Cordova-Martinez Ditch	1878
David Chavez	Cordova-Martinez Ditch	1878
Delfin Jacquez	Cordova-Martinez Ditch	1878
Diana Suazo	Cordova-Martinez Ditch	1878
Edward Leyba	Cordova-Martinez Ditch	1878
Eliseo Jacquez	Cordova-Martinez Ditch	1878
Estate of Odella Lovato	Cordova-Martinez Ditch	1878
Eugenio Sanchez Estate	Cordova-Martinez Ditch	1878
Ezequiel Cordova	Cordova-Martinez Ditch	1878
Frank Jacquez	Cordova-Martinez Ditch	1878
Gabriel Maestas, Jr.	Cordova-Martinez Ditch	1878
Genevieve M. Velasquez	Cordova-Martinez Ditch	1878
Gilbert Jacquez	Cordova-Martinez Ditch	1878
Isabel Lucero	Cordova-Martinez Ditch	1878
Jacobo Arellano	Cordova-Martinez Ditch	1878
Joe Velasquez	Cordova-Martinez Ditch	1878
Johnny A. D. Lovato	Cordova-Martinez Ditch	1878
Jose P. Chavez	Cordova-Martinez Ditch	1878
Juan C. Chavez	Cordova-Martinez Ditch	1878
Julie Pederson	Cordova-Martinez Ditch	1878
L. Marisa Rodriguez	Cordova-Martinez Ditch	1878
Laura A. Velasquez	Cordova-Martinez Ditch	1878
Leora Jacquez Lucero	Cordova-Martinez Ditch	1878
Luis Toby Velasquez	Cordova-Martinez Ditch	1878
Marino Jacquez	Cordova-Martinez Ditch	1878
Martha Cordova	Cordova-Martinez Ditch	1878
Mary Ann Maestas	Cordova-Martinez Ditch	1878
Mary L. Espinoza	Cordova-Martinez Ditch	1878
Max Maestas	Cordova-Martinez Ditch	1878
Mike Jacquez	Cordova-Martinez Ditch	1878
Monica T. Rodriguez	Cordova-Martinez Ditch	1878
Orlando Madrid	Cordova-Martinez Ditch	1878
Patrick Rodriguez	Cordova-Martinez Ditch	1878
Patsy L. Chavez	Cordova-Martinez Ditch	1878
Philip Jacquez	Cordova-Martinez Ditch	1878
Piedad Chavez	Cordova-Martinez Ditch	1878
Ramona Jacquez Estate	Cordova-Martinez Ditch	1878

Alvin N. Jacquez	Placitas Ditch	1876
Arcelia Chacon	Placitas Ditch	1876
Cosme L. Chacon	Placitas Ditch	1876
Dorothy Jacquez	Placitas Ditch	1876
Eddie Garcia	Placitas Ditch	1876
Faye Davis	Placitas Ditch	1876
Fulgencio Jacquez	Placitas Ditch	1876
Herman Jacquez	Placitas Ditch	1876
Jose L. Chacon	Placitas Ditch	1876
Jose Z. Chacon	Placitas Ditch	1876
Juanita A. Jacquez	Placitas Ditch	1876
Lucinda Chacon	Placitas Ditch	1876
Mary Ann Jacquez	Placitas Ditch	1876
Max A. Martinez	Placitas Ditch	1876
Neives Martinez	Placitas Ditch	1876
Pauline Jacquez	Placitas Ditch	1876
Reina Maestas	Placitas Ditch	1876
Roger Jacquez	Placitas Ditch	1876
Rosalie F. Wilson	Placitas Ditch	1876
Tommy F. Chacon	Placitas Ditch	1876
Abram Cordova	Sanchez-Maestas Ditch	1876
Faye Davis	Sanchez-Maestas Ditch	1876
Julian Vigil	Sanchez-Maestas Ditch	1876
Mary Vigil	Sanchez-Maestas Ditch	1876
Robert M. Vigil	Sanchez-Maestas Ditch	1876
Abram Cordova	Cordova-Martinez Ditch	1878
Alfrio Maestas	Cordova-Martinez Ditch	1878
Alice Jacquez	Cordova-Martinez Ditch	1878
Alice Madrid	Cordova-Martinez Ditch	1878
Amanda Gonzales	Cordova-Martinez Ditch	1878
Andrew J. Leyba	Cordova-Martinez Ditch	1878
Anthony Leyba	Cordova-Martinez Ditch	1878
Antonette B. Lovato	Cordova-Martinez Ditch	1878
Aurelia Chavez	Cordova-Martinez Ditch	1878
Bonifacio W. Gonzales	Cordova-Martinez Ditch	1878
Cassilda Jacquez Serrano	Cordova-Martinez Ditch	1878
Clement L. Suazo	Cordova-Martinez Ditch	1878
Cristobal Jacquez	Cordova-Martinez Ditch	1878
David Chavez	Cordova-Martinez Ditch	1878
Delfin Jacquez	Cordova-Martinez Ditch	1878
Diana Suazo	Cordova-Martinez Ditch	1878
Edward Leyba	Cordova-Martinez Ditch	1878
Eliseo Jacquez	Cordova-Martinez Ditch	1878
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Eugenio Sanchez Estate	Cordova-Martinez Ditch	1878
Ezequiel Cordova	Cordova-Martinez Ditch	1878
Frank Jacquez	Cordova-Martinez Ditch	1878
Gabriel Maestas, Jr.	Cordova-Martinez Ditch	1878
Genevieve M. Velasquez	Cordova-Martinez Ditch	1878
Gilbert Jacquez	Cordova-Martinez Ditch	1878
Isabel Lucero	Cordova-Martinez Ditch	1878
Jacobo Arellano	Cordova-Martinez Ditch	1878
Joe Velasquez	Cordova-Martinez Ditch	1878
Johnny A. D. Lovato	Cordova-Martinez Ditch	1878
Jose P. Chavez	Cordova-Martinez Ditch	1878
Juan C. Chavez	Cordova-Martinez Ditch	1878
Julie Pederson	Cordova-Martinez Ditch	1878
L. Marisa Rodriguez	Cordova-Martinez Ditch	1878
Laura A. Velasquez	Cordova-Martinez Ditch	1878
Leora Jacquez Lucero	Cordova-Martinez Ditch	1878
Luis Toby Velasquez	Cordova-Martinez Ditch	1878
Marino Jacquez	Cordova-Martinez Ditch	1878
Martha Cordova	Cordova-Martinez Ditch	1878
Mary Ann Maestas	Cordova-Martinez Ditch	1878
Mary L. Espinoza	Cordova-Martinez Ditch	1878
Max Maestas	Cordova-Martinez Ditch	1878
Mike Jacquez	Cordova-Martinez Ditch	1878
Monica T. Rodriguez	Cordova-Martinez Ditch	1878
Orlando Madrid	Cordova-Martinez Ditch	1878
Patrick Rodriguez	Cordova-Martinez Ditch	1878
Patsy L. Chavez	Cordova-Martinez Ditch	1878
Philip Jacquez	Cordova-Martinez Ditch	1878
Piedad Chavez	Cordova-Martinez Ditch	1878
Ramona Jacquez Estate	Cordova-Martinez Ditch	1878
Ramoncita Maestas	Cordova-Martinez Ditch	1878
Raymond Suazo	Cordova-Martinez Ditch	1878
Richard Cordova	Cordova-Martinez Ditch	1878
Rita Jacquez	Cordova-Martinez Ditch	1878
Rogelio Corrales	Cordova-Martinez Ditch	1878
Ronald Chavez	Cordova-Martinez Ditch	1878
Sam Chavez	Cordova-Martinez Ditch	1878
Selustriano Gonzales, Sr.	Cordova-Martinez Ditch	1878

Continued to page C25

Affidavit of Publication

Publisher's Bill

368 lines one time at 257.00

368 lines 3 times at 662.40

Affidavit _____

Subtotal 920.00

Tax 69.00

Total 989.00

Payment received at Rio Grande SUN

Date 9/27/07

By M. Lopez

State of New Mexico

County of Rio Arriba

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4th day of October, 2007

and the last publication on the 25th day of

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Robert Trapp
Publisher

Subscribed and sworn to before me this 25th
day of Oct. A.D. 2007

Maria V. Lopez-Garcia

Maria V. Lopez-Garcia/Notary Public
My commission expires 13 July 2009

Continued from page 624

Steve E. Velasquez	Cordova-Martinez Ditch	1878
Sylvia Middleton	Cordova-Martinez Ditch	1878
Thelma Chavez	Cordova-Martinez Ditch	1878
Ubaldo Jacquez	Cordova-Martinez Ditch	1878
Vincente Jacquez	Cordova-Martinez Ditch	1878
Virginia Lewellen	Cordova-Martinez Ditch	1878
Vivian Salazar	Cordova-Martinez Ditch	1878
Willie Chavez	Cordova-Martinez Ditch	1878
Alice Jacquez	Gonzales-Gurule Ditch	1878
Alvin Suazo	Gonzales-Gurule Ditch	1878
Amadeo Segura	Gonzales-Gurule Ditch	1878
Arturo R. Montoya	Gonzales-Gurule Ditch	1878
Cosme S. Chacon	Gonzales-Gurule Ditch	1878
Cruzita Segura	Gonzales-Gurule Ditch	1878
Edith Martinez	Gonzales-Gurule Ditch	1878
Elaine M. Valdez	Gonzales-Gurule Ditch	1878
Elvira Chavez	Gonzales-Gurule Ditch	1878
Ernesto J. Serrano, Jr.	Gonzales-Gurule Ditch	1878
Florence Shipley	Gonzales-Gurule Ditch	1878
Fulgencio Chacon	Gonzales-Gurule Ditch	1878
Henry L. Jacquez	Gonzales-Gurule Ditch	1878
Jose B. Chacon	Gonzales-Gurule Ditch	1878
Jose L. Chacon	Gonzales-Gurule Ditch	1878
Leonardo Chavez	Gonzales-Gurule Ditch	1878
Manuel Garcia	Gonzales-Gurule Ditch	1878
Mark W. Valdez	Gonzales-Gurule Ditch	1878
Maurice L. Serrano	Gonzales-Gurule Ditch	1878
Roberto Martinez	Gonzales-Gurule Ditch	1878
Sarita V. Montoya	Gonzales-Gurule Ditch	1878
Ursulita Vigil	Gonzales-Gurule Ditch	1878
Vivian Suazo Trust	Gonzales-Gurule Ditch	1878
Willie A. Suazo	Cecilia Ditch	1878
Joe O. Cordova	Cecilia Ditch	1878
Manuelita Cordova	Cecilia Ditch	1878
Miguel D. Suazo	Cecilia Ditch	1878
Porfiria Jaramillo	Cecilia Ditch	1878
Reducinda Maestas	Cecilia Ditch	1878
Simonita Maestas Estate	Cecilia Ditch	1878
Vivian Suazo Trust	Valdez Ditch	1878
Alfonzo Cordova, Jr.	Valdez Ditch	1878
Daniel K. Gonzales	Valdez Ditch	1878
Elisaida Padilla	Valdez Ditch	1878
Jose Dolores Gonzales	Valdez Ditch	1878
Jose L. Chacon	Valdez Ditch	1878
Luz Gonzales	Valdez Ditch	1878
Miguel Lujan	Valdez Ditch	1878
Robert Fidel Arellano	Valdez Ditch	1878
Stella M. Gonzales	Valdez Ditch	1878
Vivian Suazo	Valdez Ditch	1902
Henry L. Jacquez	Emilio Jacquez Ditch	

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority dates for any other community or private ditch in Section 5 (Rio Gallina) as described above.

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in Section 5 (Rio Gallina) as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.38 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 3.46 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 5.77 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The "Project Diversion Requirement" ("PDR") or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action, and the Court will enter an order that recognizes the elements of your water rights and the water rights of other surface water users in Section 5 as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in Section 5. Subsequent *inter se* proceedings in Section 5 will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in Section 5 as stated above, you must file your objection with the Court, in person or by mail FOR RECEIPT NO LATER THAN DECEMBER 31, 2007:

United States District Court clerk 120 South Federal Place Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and to attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102 Santa Fe, NM 87504-5102
(505) 867-7444 phone (505) 867-2299 facsimile

or,
Mary E. Humphrey
Attorney for Gallina-Capulin Acequia
Association and Section 5 Acequias.
P.O. Box 1574 El Prado, NM 87529-1574.
(505) 758-2203 phone (505) 758-5129 facsimile

/s/ Bruce D. Black
BRUCE D. BLACK,
UNITED STATES DISTRICT JUDGE
Approved: /s/ Vickie L. Gabin.
VICKIE L. GABIN,
SPECIAL MASTER
(Published October 4, 11, 18, 25, 2007)